

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:14-CV-670**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
NATHAN T. KENNEDY,)
)
Defendant.)
<hr style="width:40%; margin-left:0"/>)

FINAL ORDER
(By Consent of All Parties)

THIS MATTER is before the Court on a consent motion by all parties for entry of a Final Order and Judgment. (Doc. No. 3).

The United States filed this action against Defendant seeking civil penalties pursuant to the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (“FIRREA”), 12 U.S.C. §1833a. (Doc. No. 1: Complaint). The parties hereto have settled all claims and issues in this matter and have requested the court to enter Final Order and Judgment in accordance with the stipulations and agreements in their motion.

All parties to this action consent to the entry of this Final Order and a Judgment, waive any further findings of fact or conclusions of law other than what is set forth in this Order, waive all rights of appeal from this Order and the Final Judgment, and agree each to bear their own

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costs and attorneys' fees related to this action.

Wherefore, upon the consent of the parties, **IT IS HEREBY ORDERED JUDGED AND DECREED**, that

1. The Court finds that the Defendant admits only proper service of the complaint and summons and the jurisdiction of this court in this matter and neither admits nor denies any other allegation of the complaint. The stipulations and agreements in the joint motion filed by the parties, the entry of this Final Order, the Judgment in this case, and any act performed in compliance with the terms of such Final Order or Judgment shall not constitute or be construed as an admission by the Defendant of a violation of any law, regulation, or policy.

2. Judgment shall be entered in favor of the United States of America and the Defendant shall pay to the United States of America a civil monetary penalty under FIRREA in the amount of Seventy-Five Thousand Dollars (\$75,000.00). Within sixty (60) days of the entry of the judgment in this matter the Defendant shall pay the civil penalty mentioned above by check payable to "The United States" and delivered by certified U.S. Mail or any express delivery service to:

United States Attorney
Financial Litigation Unit
Suite 1650 Carillon Building
227 West Trade Street
Charlotte, NC 28202

In the alternative, the Defendant may pay this amount in installments on a payment schedule to be calculated by the Financial Litigation Unit of the United States Attorney's Office.

3. The Defendant shall not seek any loan from Branch Banking & Trust Company (BB&T) for a period of five years from the entry of the Final Judgment in this case.

4. The civil penalty to be paid pursuant to this stipulation and agreement and any order or judgment in this case cannot be discharged in bankruptcy. See 11 U.S.C. § 523(a)(7).

5. The parties are each to bear their own costs and attorney's fees with regard to this matter.

6. The Clerk is directed to enter a judgment in favor of the United States of America consistent with this Final Order.

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

